

# STATUS OF HUMAN RIGHTS & SANCTIONS IN MYANMAR

## JUNE 2014 REPORT

**Summary.** This report reviews the June 2014 developments relating to human rights in Myanmar. Relatedly, it addresses the interchange between Myanmar’s reform efforts and the responses of the international community.

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## **I. International Community and Sanctions**

On June 28, 2014, President Thein Sein of Myanmar met with Chinese President Xi Jinping in Beijing. The two leaders held their first set of bilateral talks during a meeting of leaders from China, Myanmar, and India commemorating the 60<sup>th</sup> anniversary of the Five Principles of Peaceful Coexistence, a treaty promising mutual non-aggression and non-interference in internal affairs. This is President Thein Sein's third state visit to China and his second state visit since President Xi was sworn into office. In noting the countries' traditionally close ties, President Thein Sein stated that the "main purpose of this visit to China is to promote the consolidation and development of already existing friendly and cooperative bilateral relations."<sup>1</sup>

This meeting comes at a time of increasing tension in the region stemming from territorial disputes in the East and South China Seas. During a gathering of over 700 people, including President Thein Sein, President Xi stated, "hegemony or militarism is not in the genes of the Chinese," and that "China will unswervingly pursue peaceful development."<sup>2</sup> These comments echo those of Chinese Vice Foreign Minister Liu Zhemin, who promised that Myanmar's transition would not affect Chinese relations and that China "will continue to support [Myanmar] to explore and choose the path of development in accordance with its national conditions."<sup>3</sup>

President Thein Sein's visit followed an earlier visit by a delegation of ethnic leaders from Myanmar's Arakan National Party ("ANP") and the National Democratic Force who met with Communist Party of China officials in Kunming, the capital of China's Yunnan Province, a province which borders Myanmar. According to Oo Hla Saw, a spokesman for the ANP, the delegation's purpose was to raise "concerns regarding Chinese projects in our ethnic state." In a statement demonstrating a contrasting tone to President Thein Sein's later comments, the delegation warned the Chinese government that resumption of the Myitsone dam project in Myanmar will harm relations between the two countries.<sup>4</sup>

Myanmar's reported decision to purchase Chinese-Pakistani JF-17 fighter jets is further evidence of their continued engagement with China. According to the Burma Times, Myanmar is looking to purchase a license to produce the fighter jets, making it the first foreign purchaser of the jet.<sup>5</sup> China has not been the only country with which Myanmar has sought to expand military ties. A delegation of senior officials from the United States has signaled that "it is time to engage" the country's military during a June visit to Yangon. U.S. Assistant Secretary of State for Democracy, Human Rights, and Labor, Tom Malinowski, said that the United States is preparing for "cautious" engagement with Myanmar's military, noting that "there is the potential for a deeper partnership, even a full partnership, in the future."<sup>6</sup> During the delegation's visit, Lt-Gen. Anthony Crutchfield, deputy commander of the U.S. Pacific Command, addressed Myanmar's military at the Myanmar National Defense College in Naypyidaw, stating that his "presence here is indicative of the new chapter in [their] countries' relationship." His speech, and the delegation as a whole, emphasized the importance of respecting human rights, the rule of law, and civilian control.<sup>7</sup>

Assistant Secretary Malinowski also urged Myanmar nationals to work harder to remove themselves from the U.S. sanctions list, which has frozen the assets of approximately 200 individuals, companies, and other entities in Myanmar who are "considered cronies of the previous military regime." The sanctions "also prevent U.S. investors from having business dealings with them, blocking Americans from formally engaging with some of the most powerful business

leaders in the country.”<sup>8</sup> Blacklisted individual Steven Law, a Myanmar businessman, recently caused controversy based on his inclusion in a trade delegation between Myanmar and Canada.

Although the U.S. has begun limited re-engagement with Myanmar, the government has yet to lift certain economic sanctions and continues to enforce them. In June, the Dutch aerospace firm, Fokker, was hit with a \$21 million penalty by the United States government for selling U.S.-made aircraft parts and goods to customers in Myanmar.<sup>9</sup>

The U.S. Agency for International Development has agreed to help the government of Myanmar by offering training in international highway safety standards to Myanmar ministry engineers and technicians working on the Yangon-Mandalay highway, locally known as the “death highway.” U.S. Ambassador to Myanmar, Derek Mitchell, said in a statement that “the United States is committed to supporting continued reform and broad-based economic development. As the economy grows, transportation infrastructure will have to accommodate more trade and traffic.”<sup>10</sup>

Myanmar’s infrastructure will also receive improvements with help from Japan and the Netherlands. The Japan International Cooperation Agency will provide aid in the form of a \$4.1 million grant for a bridge to connect downtown Yangon with Thaketa Township,<sup>11</sup> while the Dutch have revealed plans for a joint \$20 million pilot project to improve the use of the Irrawaddy River.<sup>12</sup>

In the wake of the May 22, 2014 Thai military coup, Thailand’s Ministry of Foreign Affairs’ Permanent Secretary Sihasak Phuangkitkeow met with Myanmar’s Foreign Minister Wunna Muang Lwin in Myanmar on June 2. Secretary Phuangkitkeow set out a three-stage plan to return Thailand to normalcy by the National Council for Peace and Order. The head of Thailand’s Department of Information, Sek Wannameetee, expressed that as this year’s chair of the Association of Southeast Asian Nations (“ASEAN”), Myanmar could use its position to help explain the “truth” behind the recent coup to other ASEAN members, and that “Thailand has reassured Myanmar it will continue to pursue its role in the community, and advance foreign policy.” According to the Thai government, the government of Myanmar “has confidence in Thailand and is willing to support the country, especially in the framework of ASEAN and relations with other ASEAN member countries.”<sup>13</sup>

However, Thailand has recently begun cracking down on migrant workers from Myanmar, detaining approximately 1,000 workers between June 3 and June 9. Most of the workers were detained in the Tak Province, forcing many illegal workers from Myanmar to hide in the jungle, plantations, or safe apartments. According to Thai officials, these raids were “not an effort to crack down on migrant workers, but were, in fact, to target human trafficking and drug smuggling.” The government has announced that it will hand over detained workers across the Thai-Myanmar Friendship Bridge.<sup>14</sup>

Following an unsuccessful meeting in early June to discuss recent border clashes between the armed forces of Bangladesh and Myanmar, the two countries reached an agreement over the border crisis on June 13. The two countries agreed, among other provisions, to share information regarding border issues; establish a channel of communication between senior officials from both sides; and work together to crack down on the illegal narcotics trade along their common border. In addition, the two countries will investigate the events surrounding the death of a Bangladeshi

soldier on May 28 resulting from an armed clash.<sup>15</sup> The agreement comes at a time when ethnic tensions and the “deteriorating humanitarian situation and limited access to livelihoods for Muslim Rohingya in Myanmar” have led to accusations that some are smuggling drugs across the border into neighboring Bangladesh.<sup>16</sup>

In early June, Myanmar became the 150<sup>th</sup> country to endorse the U.N.’s Declaration of Commitment to End Sexual Violence in Conflict. The declaration contains a set of practical and political commitments to end the use of rape and sexual violence as a weapon of war. Myanmar’s government had previously faced “sharp criticism” for failing to endorse the declaration. An official delegation was sent to the first global summit to end sexual violence in conflict in London, England.

The 2014 edition of the World Drug Report continues to flag Myanmar as a significant center for drug production. Jeremy Douglas, a representative of the U.N. Office on Drugs and Crime for Southeast Asia, noted that opiate and stimulant production have both increased significantly in recent years. The report also notes that whereas in 2005 Myanmar was responsible for roughly five percent of global opium production, it is now responsible for eighteen percent.<sup>17</sup>

## **II. Civil and Political Rights**

### **A. Election-Related Laws and Acts**

In response to Aung San Suu Kyi’s recent speaking tour throughout Myanmar advocating the elimination of the military’s *de facto* veto on constitutional amendments, Myanmar’s Union Election Commission (“UEC”) issued a stern warning to the National League for Democracy (“NLD”), claiming that Suu Kyi’s speeches amounted to the NLD “challenging the army,” and speaking “outside of the boundaries of the Constitution.”<sup>18</sup> The UEC’s warning letter notes that Suu Kyi took an oath to “abide by and respect this Constitution and the existing laws” and claims that Suu Kyi violated her oath because her speeches “condemned the army.”<sup>19</sup>

In response, the NLD has denounced the UEC’s warning as inappropriate, and claimed the UEC had overstepped its ability to monitor political parties pursuant to the Election Law.<sup>20</sup> Human Rights Watch (“HRW”) also issued a statement calling for the UEC to “immediately cease threatening and intimidating the opposition,” and calling it “scandalous” that the UEC is threatening a political party “for violating a regulation that doesn’t exist.”<sup>21</sup> HRW stated that the UEC chair, former army general Tin Aye, has demonstrated a pro-military bias in recent months.<sup>22</sup> The HRW statement went on to lament the UEC’s May proposals for curbing campaign periods, restricting campaign areas, and limiting representative campaigning for the upcoming 2015 elections, and noted that “future elections will not have an ounce of credibility if anti-democratic rules put opposition parties at a disadvantage.”<sup>23</sup>

### **B. Press and Media Laws/Restrictions and Freedom of Association**

Members of Myanmar’s community of journalists and representatives from the Interim Press Council gathered in early June at a meeting in opposition to the recently proposed Public Service Media Law, which is slated for discussion during the current session of Parliament.<sup>24</sup> While the law’s original intent was to ensure that independent news organizations would receive public funding, the proposed bill focuses on directing funding to state broadcasters and

publications, such as the *Mirror* and the *New Light of Myanmar*, which are “widely acknowledged as government mouthpieces.”<sup>25</sup> Journalists have opposed the proposed use of state money for what they deem to be government propaganda.<sup>26</sup>

Under pressure from the government, Myanmar’s bookstores have pulled from their shelves a controversial book of “adult fiction” titled *The World of the Romancebots*.<sup>27</sup> Ye Hitut, Myanmar’s Deputy Minister of Information, has stated that the government is considering taking legal action against the publisher of the book and against its author, Aung Yin Nyein, because the book was deemed to include “obscene material.”<sup>28</sup> According to Ye Hitut, the publication of such obscene material may be prosecuted under the Criminal Code and under the recently proposed Printing and Publication Registration Law, which has been approved by the Parliament.<sup>29</sup>

### **C. Official Corruption**

In June 11, officials from Myanmar’s State Sangha Maha Nayaka Committee (SSMNC)—or official Buddhist monastic committee—raided the Mahasantisukha Monastery in Yangon with the help of riot police, detaining five monks and thirty-two laypeople.<sup>30</sup> The monastery has been the subject of an ongoing dispute between the monastery’s abbot, Penang Sagadaw, and the SSMNC.<sup>31</sup> Following the raid, the state’s Religious Affairs Minister Hsan Hsint was “terminated,”<sup>32</sup> with President Thein Sein nominating Deputy Religious Affairs Minister Soe Win to take his place beginning on June 20.<sup>33</sup>

Hsan Hsint is under investigation and is accused of misusing funds from his ministry’s budget for personal purposes.<sup>34</sup> He is also under investigation for his handling of religious affairs issues and the raid on the monastery. In the aftermath of Hsan Hsint’s termination, a Parliamentary committee resolved to scrutinize the budget of various government ministries, including the Ministry of Religious Affairs.<sup>35</sup>

There has been widespread frustration with the commercial real estate arrangements of major international organizations such as UNICEF and the World Health Organization (“WHO”).<sup>36</sup> UNICEF pays an estimated \$87,000 per month for its Yangon office while the WHO pays \$79,000. The owners of the respective properties are suspected of being former Myanmar military and/or government officials.<sup>37</sup> Khin Ohnmar, an activist and women’s affairs activist explained: “When they look for an office space that would suit their needs in Rangoon, it is hard for international organizations and diplomats to stay away from cronies and families of former generals, who monopolize the best of the city’s property market. But their exorbitant spending on [renting] an office is questionable if the money used comes from the budget aimed for development of Myanmar and its people.”<sup>38</sup>

### **D. Miscellaneous**

Freedom of religion in Myanmar has become an area of intense international scrutiny. On May 27, the government made public a draft bill inviting comments and public opinion on a set of rules which would restrict religious conversion.<sup>39</sup> On June 11, the U.S. Commission on International Religious Freedom criticized the bill, stating that such laws have “no place in the 21st century, and should be withdrawn.” Robert George, chairman of the Commission, denounced the proposed law as “irreparably flawed” and recommended that the U.S. government continue to

designate Myanmar as a “country of particular concern” for severe religious freedom violations.<sup>40</sup> The bill has also been criticized by U.N. human rights experts for its potentially negative impact on religious freedoms and the rights of religious and ethnic minorities.<sup>41</sup> Specifically, the U.N. Special Rapporteur on freedom of religion or belief, Heiner Bielefeldt, stressed the danger of state regulation and influence on the right to determine one’s religion.

The current draft proposal is part of a set of four bills submitted in a petition to President Thein Sein in July of last year. The petition was filed by a coalition of Buddhist monks known as the Organization for the Protection of Race, Religion, and Belief, and garnered 1.3 million signatures with the aim being the protection of “the race and religion of the majority Buddhist nation.”<sup>42</sup> The petition is seen as politically sensitive, and the government is looking to gauge popular support for three other proposals which are expected to deal with population control measures and impose curbs on interfaith marriage.<sup>43</sup> President Thein Sein along with Lower House Speaker Shwe Mann—who may well be the ruling party’s presidential candidate in upcoming elections—have both endorsed the draft.<sup>44</sup>

In relation to Myanmar’s laws relating to the freedom of public assembly, there are signs of potential relief from the kind of charges frequently used against organizers of demonstrations (such as those described in Section V.C, *infra*). Both houses of Myanmar’s Parliament agreed to changes to the Peaceful Assembly and Peaceful Procession law that would reduce officials’ discretion to deny petitions to protest without cause.<sup>45</sup> Under the new rules, officials may not refuse petitions unless the demonstration “can create hatred between ethnic or religious groups,” according to Aung Ko, the Union Solidarity and Development Party member who proposed changes to the law last year.<sup>46</sup> The approved changes soften those proposed, which originally had removed all discretion on the part of the approving officials, and would have done away with jail time for violations of the law.<sup>47</sup>

### **III. Governance and Rule of Law**

A cabinet reshuffle will likely follow soon, according to an official close to President Thein Sein. The newspaper 7day Daily reported that “[s]ome union ministers will be allowed to resign from the cabinet,” quoting a source close to the government who spoke on condition of anonymity. Politicians and political researchers said it was difficult to guess whether President Thein Sein might reshuffle his cabinet because the country “lacks indicators” to evaluate the performance of ministries. Since taking office in 2011, President Thein Sein has reshuffled his cabinet twice, in August 2012 and July 2013.<sup>48</sup>

New research reaffirms that women’s participation in decision-making processes is still low in Myanmar, and calls for a quota system to increase their representation in governance. The country ranks the lowest of all Southeast Asian countries for women’s representation in governance, and 170 of 185 selected countries worldwide, according to the Myanmar Development Resource Institute, a government-affiliated think-tank. In a study from February to May of this year, with interviews conducted in Karen and Kachin states as well as Yangon and Naypyidaw regions, researchers found there were no women leading township-level administration, while only 0.11 percent of village heads were women. Most of these women were working in Karen State, in the country’s southeast. The study found that only 4.42 percent of lawmakers in the Union Parliament were women, compared with 2.83 percent of lawmakers in

state and regional parliaments. Researcher Paul Minoletti said the findings highlighted long-rooted gender inequality in the country and recommended using a quota system to promote women's participation in governance. He noted that "[w]ithin subnational government, the elected position of state and region MPs, and of village and ward administrators, would seem to be [the] most obvious ones where a quota system could be introduced." He added that "[i]nternational experience shows the success of quotas in raising women's participating and ensuring government becomes more responsive to the needs of women and the preferences of women."<sup>49</sup>

#### **IV. Political Prisoners**

Three Kachin internally displaced persons ("IDP") serving jail terms have been found guilty of further crimes. On June 5, 2014, a Myitkyina court found the trio guilty of breaching the Explosives Act and sentenced the refugees, La Ring, Lahpai Gun and Brang Yone, to prison terms of three, thirteen and fourteen years respectively. The three were arrested in 2012 at the Baptist Church in Myitkyina where they were taking shelter after fleeing their homes amid fighting between government forces and the Kachin Independence Army ("KIA"). Shortly after their arrest, the three were charged under the Unlawful Association Act for alleged links to the outlawed KIA. Over a year later, in November 2013, each member was found guilty and sentenced to serve two years in prison.

Mar Khar, their lawyer, slammed the court's decision as unfair, and criticized the judicial authorities for aligning with the government and military instead of seeking justice for civilians. Khar stated that "[t]he sentencing of my clients show[s] that the judicial system in Myitkyina is dented and there is absolutely no rule of law."

In July 2012, another Kachin IDP, Lahtaw Brang Shawng, was sentenced to two years in prison under the Unlawful Association Act, having been arrested by the army and allegedly tortured. He was freed as part of a presidential amnesty in June 2013.

#### **V. Economic Development**

##### **A. Developments in the Legal Framework of Economic Development**

Rules governing the planned Yangon Stock Exchange have been submitted to the Attorney General in a push to meet the October 2015 launch target.<sup>50</sup> The rules submitted to the Attorney General will establish a Securities and Exchange Commission ("SEC"), which will be responsible for licensing brokers, dealers, underwriters, and the Yangon exchange itself, said Myanmar Securities Exchange Centre ("MSEC") managing director Inami Shigeto.<sup>51</sup> Although Parliament passed a Securities Exchange Law on July 31, 2013, it has been slow at implementing necessary by-laws and regulations that the government insists are necessary to form the SEC.<sup>52</sup> After signing a memorandum of understanding on May 12, 2012, the Central Bank of Myanmar has been working together with the Japan Exchange Group (formerly the Tokyo Stock Exchange), and the Daiwa Institute of Research to set up a local stock market.<sup>53</sup> Since then, the Ministry of Finance has also worked closely with the Japanese government to formulate the rules and regulations and to develop IT systems.<sup>54</sup>

The Myanmar government has been keen to make sure the Yangon Stock Exchange is a success, according to Inami, adding that the MSEC had been requested to make sure at least five

companies are ready for the launch—one more that initially joined the Ho Chi Minh Stock Exchange in Vietnam when it launched in 2000.<sup>55</sup> Deputy Finance Minister Maung Maung Thein told reporters that “[s]ix local public companies have applied to be listed on the Yangon Stock Exchange and we have already granted permission to two companies.”<sup>56</sup> Those two companies are the Asia Green Development Bank and Myanmar Agribusiness Public Corporation.<sup>57</sup> Maung Maung Thein also made clear that the target number of companies was exactly five and not more because of the government’s desire “[t]o ensure the quality and compactness of the stock exchange . . . .”<sup>58</sup>

While many Myanmar firms may be interested in the access to capital the exchange will bring, Inami said the process of listing will force companies to disclose their true financial statements.<sup>59</sup> This may cause problems with firms who have not paid requisite taxes as their books will be open to scrutiny.<sup>60</sup> Independent economist Hla Haung said that many companies keep four or five different sets of financial records to avoid taxation, and the trend has continued even though some firms have transitioned to public companies.<sup>61</sup> He added that common practice among current public companies is to fix the price of their shares, with shareholders receiving value through dividends.<sup>62</sup>

Additionally, there are questions about the likelihood of a successful emergence of a Myanmar capital market due to the fact that there are currently only 142 registered public companies in the country.<sup>63</sup> Of those, 21 were formed under the previous military junta and are still endowed with special privileges, including access to land and government contracts.<sup>64</sup> Although the number of public companies has increased significantly, many experts say there are still not enough for a viable exchange.<sup>65</sup>

Shinsuke Goto, a director of Daiwa Securities Group, also raised concerns about the number of companies that have started selling shares recently. He noted that some are not in compliance with the requirements of the Myanmar Company Act and that while the law requires companies to briefly explain their business when they register, many fail to do so.<sup>66</sup> Goto also questioned the validity of shareholder lists.<sup>67</sup> Another problem may be that some foreign investors, who are known to have purchased shares in local public enterprises that plan to go public in the future in the hope of boosting their capital, may have made their purchases in a manner that is illegal under the Myanmar Company Act, which places limits on foreign ownership of nationally registered companies.<sup>68</sup> New rules will be required in the stock exchange to ensure domestic ownership ratios are sustained and the Foreign Investment Act may also need amending to permit foreign share purchases on the stock exchange.<sup>69</sup> Of course, Myanmar’s government may find foreign ownership of entire companies a threat.

On another financial front, foreign banks may be granted licenses to operate in Myanmar as early as this September, according to plans released this month by the Central Bank of Myanmar.<sup>70</sup> Banks operating under the new licenses will be restricted in the services they may offer, with retail banking off-limits for the time being.<sup>71</sup> Foreign banks will also be limited to a single branch office.<sup>72</sup>

## **B. Developments in Foreign Investment and Economic Development Projects**

As noted in our prior report, the Myanmar Investment Commission (“MIC”) was recently reformed as part of an effort to encourage further foreign investment in the country.<sup>73</sup> The reform included a refresh of the MIC’s thirteen members, with key positions taken by members of the energy, hotels and tourism, finance, and national planning and economic development ministries.<sup>74</sup> A further reform will see the MIC operate independently of the Ministry of National Planning and Economic Development, under whose purview it currently operates, along with a move to Yangon from Naypyidaw.<sup>75</sup> These changes are scheduled for July.<sup>76</sup> The MIC has approved approximately sixty foreign investment projects to date in 2014.<sup>77</sup>

Meanwhile, the Directorate of Investment and Company Administration (“DICA”) has approved half a dozen foreign direct investors to trade, including the U.S. conglomerate Colgate-Palmolive, raising to 88 the total number of DICA-approved foreign companies.<sup>78</sup> Heineken was among the recent foreign companies to receive approval through one of its subsidiaries.<sup>79</sup> The total number of foreign companies now operating in Myanmar is over 1,000, while foreign investment is up to \$46 billion, with trade rising to \$25 billion, according to government statistics.<sup>80</sup> The U.S. clothing company Gap announced plans this month to become the first U.S. retailer in Myanmar.<sup>81</sup>

Hotels are another area of potential foreign growth, with the Ministry of Hotels and Tourism giving assurances that the number of hotel rooms will increase by an expected 1,000 rooms in 2015 to meet the increasing demand placed by foreign tourism.<sup>82</sup> Total official capacity is currently just under 40,000 rooms, a number that will be strained by the three million tourist arrivals expected this year.<sup>83</sup> Tourism is one of the top sectors for foreign investment in Myanmar, and the 2015 increases are expected to include investment by foreign hotel companies.<sup>84</sup> Hilton is among those, having already teamed up with the hotel arm of a Myanmar conglomerate to open five hotels in the country.<sup>85</sup>

### **C. Land Seizures**

In early June, farmers began plowing approximately 3,000 acres of land in Mandalay Region’s Sintgu Township as a form of protest against its seizure more than four decades ago.<sup>86</sup> The activity joins a number of recent so-called “plow protests” intended as demonstrations of the farmers’ rightful ownership of the land.<sup>87</sup> The villagers say that requests made over the last few years for the negotiated return of the land went ignored.<sup>88</sup>

In Pyin Oo Lwin Township, a group of farmers numbering over 1,000 organized a peaceful demonstration demanding the return of in excess of 300,000 acres of seized land.<sup>89</sup> The group also protested violence against farmers after five local villagers were allegedly attacked, with one protestor indicating the attack may have been linked to the land disputes.<sup>90</sup> The farmers expressed their desire to have land returned ahead of the rainy season, while the head of the district administration said that land not used by the military will be returned after the farmers comply with ownership procedures.<sup>91</sup> The demonstration, which was organized by the Myanmar Farmers Union (“MFU”), was blocked by police when it attempted to leave Nyan Taw stadium and proceed through the town.<sup>92</sup> The MFU stated that they had withdrawn their application to march through town when they learned that authorities would not give them their approval.<sup>93</sup> Su Su Nway has been charged with violating Article 18 of the Peaceful Assembly and Peaceful Procession Law for organizing the protest without permission.<sup>94</sup> She has not been arrested, having turned away a

police summons the day after the protest that she claims lacked necessary documents.<sup>95</sup> If she is arrested and found guilty, she could face up to six months in jail.<sup>96</sup>

Land rights activist Htin Kyaw was sentenced to six months for handing out leaflets saying that the government's role is to serve the public and that it could not be trusted.<sup>97</sup> The sentence comes from section 505(b) of the Criminal Code, which makes it illegal to circulate information that could incite others "to commit an offence against the state or against the public tranquility."<sup>98</sup> Htin Kyaw has already been sentenced this month by a Kyauktada Township court to three months imprisonment in connection with his peaceful protests against land seizures.<sup>99</sup>

## **VI. Ethnic Violence**

### **A. Violence Against Muslims**

In June, the government began a controversial pilot program in Myebon Township in Rakhine State to register and verify the citizenship of Muslim residents.<sup>100</sup> According to governmental officials, any Muslim resident eligible to become citizens of Myanmar under the 1982 Citizenship Law would be registered to be naturalized. However, only people born before 1982 who can prove with documentation that their parents or grandparents lived in Myanmar before the country declared independence in 1948 are eligible for citizenship. Additionally, the government will only let Muslims register as Bengali people, not Rohingya.<sup>101</sup>

On June 25, President Thein Sein appointed Myanmar Army General and Deputy Home Affairs Minister Maung Maung Ohn as the new chief minister of Rakhine State, the region of Myanmar that has seen the most severe communal violence against Rohingya Muslims.<sup>102</sup> As Deputy Home Affairs Minister, General Maung Maung Ohn led the government commission that investigated the violent riots of March 2014 by Buddhist nationalists against NGOs assisting Muslims in the state capital of Sittwe. The commission concluded that the Rakhine State government was slow to react to the riots. General Maung Maung Ohn pledged to improve local people's standard of living, in order to "steadily resolve the sectarian issues."<sup>103</sup> A Rohingya rights activist welcomed General Maung Maung Ohn and expressed optimism that he could maintain law and order in the state.<sup>104</sup> As discussed in our previous reports, in recent months the Rakhine State government expelled Médecins Sans Frontières, also known as Doctors Without Borders, while other international aid organizations fled the state following the March 2014 attacks. During a visit to Myanmar, the U.S. Assistant Secretary of State for Democracy, Human Rights and Labor, Tom Malinowski, encouraged the new leadership of Rakhine State to ease restrictions on NGOs operating in the state.

Kang Kyung-wha, the U.N. deputy emergency relief coordinator, visited IDP camps for Rohingya Muslims in Rakhine State in late June and reported that she witnessed the worst level of human suffering she has ever seen.<sup>105</sup> In describing the "appalling" conditions, Kang highlighted the lack of health care, education, water and sanitation available to IDPs.<sup>106</sup>

### **B. Violence Between the Central Government and Ethnic Rebel Groups**

#### *Kachin State*

At least five government troops, including a battalion commander, were killed in renewed fighting in the northern Shan State between Myanmar's military on the one side, and the KIA and other ethnic armed groups such as the Ta'ang National Liberation Army and Myanmar National Democratic Alliance Army on the other.<sup>107</sup>

Fortify Rights, a Thailand-based human rights NGO, released a report on June 9, describing the Myanmar military's systematic torture of ethnic Kachin civilians suspected of having ties to the KIA, which may constitute war crimes and crimes against humanity.<sup>108</sup> Kachin people were beaten, sexually assaulted, burned, and forced to dig what they were told would be their own graves, among other brutal and inhumane torture tactics.

Nine NGOs assisting IDPs in Kachin and Shan states said that approximately 120,000 Kachin IDPs remain displaced with little to no prospects for returning home.<sup>109</sup> Approximately 90,000 IDPs live in camps in Kachin rebel-controlled territories. The NGOs said that ongoing fighting between rebel groups and the government, landmines, and general uncertainty made it impossible for the IDPs to return home.

### *Karen State*

The Myanmar government agreed with the Karen National Union ("KNU") to withdraw some of its troops close to KNU territory.<sup>110</sup> The government and KNU signed a ceasefire in 2012, but Myanmar's military retains a large force in Karen State. During peace talks, KNU officials told government representatives that they would support President Thein Sein if he ran for reelection in 2015.<sup>111</sup> The growing atmosphere of friendship between government and KNU officials led some in the media to speculate that the government wants to extend a "carrot" to ethnic armed rebels in the south of the country while it gives a "stick" to rebels in the North, including the United Wa State Army.<sup>112</sup>

Developments later in June, however, raised doubts about the peace talks. Government troops attacked troops of the Karen National Liberation Army ("KNLA"), the armed wing of the KNU, killing one KNLA soldier who was apparently surrendering.<sup>113</sup> Additionally, the KNU defied government orders to disband its ethnic police force, the Karen National Police Force ("KNPF"). The KNPF has been accused by the Tenasserim local government of illegally collecting taxes and setting up checkpoints in Karen State and Tanintharyi Region. Some have speculated that the KNU has divided into two factions, which may account for a growing friendship with the government, on the one hand, and rising tensions, on the other.<sup>114</sup>

### *Chin*

After a government soldier allegedly raped an ethnic Chin woman on June 10, more than one hundred Chin women held a protest against the use of rape as a weapon of war.<sup>115</sup> As we discussed in our January 2014 report, the military has long been accused of using rape as a weapon in the country's conflicts with ethnic rebel groups. The Chin Women's Association said that six women in the town of Matupi had been raped by government soldiers.<sup>116</sup>

## **C. Peace Talks**

On June 4, the Federal Democratic Alliance (“FDA”), an alliance of eleven ethnic and opposition political parties, met with government peace negotiators to discuss a framework for political dialogue that would occur after the signing of a nationwide ceasefire.<sup>117</sup> The FDA suggested that 300 participants from each of the army, parliament, ethnic rebel groups, and political parties take part.

In his monthly radio address to the nation, President Thein Sein said that amendments to the country’s constitution will need to be made following a nationwide ceasefire and political dialogue.<sup>118</sup> He added that “a living breathing constitution is always evolving,” and that the parties involved in amending the constitution will need to be “principled and benevolent.” The constitution would need to be revised if, as a result of political dialogue, Myanmar were to adopt a federal system that provides political autonomy to local governments.

In peace negotiations with the Restoration Council of Shan State (“RCSS”) and Shan State Army South (“SSA-S”), the government reportedly told the groups that they would be removed from its list of unlawful associations. That would mean that civilians suspected of being associated with the RCSS or SSA-S would no longer be punished under the Unlawful Associations Act.<sup>119</sup>

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